

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

[R08-294]

PREAMBLE

1. Sections Affected

R20-5-502
R20-5-504
R20-5-505
R20-5-506
R20-5-507
R20-5-508
R20-5-509
R20-5-510
R20-5-511
R20-5-513

Rulemaking Action

Amend
Amend
Amend
Amend
Amend
Amend
Amend
Amend
Amend
New Section

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 23-491.04

Implementing statute: A.R.S. § 23-491.06

3. A list of all previous notices appearing in the *Register* addressing the proposed rule:

Notice of Rulemaking Docket Opening: 14 A.A.R. 849, March 21, 2008

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: William M. Wright, Assistant Director
Address: Division of Occupational Safety and Health
Industrial Commission of Arizona
800 W. Washington St., Suite 203
Phoenix, AZ 85007
Telephone: (602) 542-1695
Fax: (602) 542-1614
E-mail: wright.william.m@dol.gov

5. An explanation of the rule, including the agency's reasons for initiating the rule:

These proposed changes will amend the existing rules with updated rules that are adopted by reference from nationally recognized standards, for the installation, operation and maintenance of elevators, personnel hoists, and escalators. The state elevator safety program currently use nationally recognized standards that were published in 2000. Since 2000, technology in building, operating and maintaining elevators, personnel hoists and escalators have changed and the current rules need to be updated to keep pace with the ongoing technological changes. The Elevator Advisory Board has given their recommendations to the Commission to adopt the proposed rule change. The Commission, after review of the Advisory Board's recommendation, has agreed that the state's elevator rules need to be updated to current national standards so as to continue to protect the well being of employees and the general public.

6. A reference to any study relevant to the rules that the agency reviewed and proposes either to rely on or not to rely

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on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business and consumer impact:

The adoption of the new rules and the incorporation by reference of the most recent national elevator codes and amendments will not significantly impact small business or consumers. These new amendments effect installation of new equipment and/or the major alterations of existing equipment. The additional cost to comply with the proposed code changes is minimal and cost is built into the purchase price. The new rule R20-5-513 standardizes the means for fire service personnel to utilize one standard "key" to operate the controls of an elevator during an emergency. We anticipate an additional cost per new elevator installation of \$400.00 for the purchase and installation of the AZFS Key. (Arizona Fire Service Key)

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: William M. Wright, Assistant Director
Address: Division of Occupational Safety and Health
Industrial Commission of Arizona
800 W. Washington St., Suite 203
Phoenix, AZ 85007
Telephone: (602) 542-1695
Fax: (602) 542-1614
E-mail: wright.william.m@dol.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

An oral proceeding has been scheduled as follows:

Date: 11/06/2008
Time: 9:00 a.m.
Location: Hearing Room A, first floor
Industrial Commission of Arizona
800 W. Washington St.
Phoenix, AZ 85007

The close of record is Thursday, November 06, 2008, 5:00 p.m.

A person may also submit written comments on the proposed rules no later than 5:00 p.m., Thursday, November 6, 2008, to the individual listed in item 4 and 9.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporations by reference and their location in the rules:

American Society of Mechanical Engineers Safety Standard for Platform Lifts and Stairway Chairlifts, ASME, A18.1, 2005. R20-5-504
American Society of Mechanical Engineers Safety Standard, Safety Codes for Elevators and Escalators, ASME, A17.1, 2007. R20-5-507
American Society of Mechanical Engineers Safety Standard for Belt Manlifts, ASME, A90.1, 2003. R20-5-508
American National Standards Institute Safety Requirements for Personnel Hoists and Employee Elevators of Construction and Demolition Operations, ANSI, A10.4, 2007. R20-5-509
American National Standards Institute Safety Requirements for Material Hoists, ANSI, A10.5, 2006. R20-5-510
American National Standards Institute Guide for Inspection of Elevators, Escalators, and Moving Walks ASME, A17.2, 2004. R20-5-511

13. The full text of the rules follows:

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

ARTICLE 5. OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Section

- R20-5-502. Definitions
- R20-5-504. Safety Standards for Platform Lifts and Stairway Chairlifts
- R20-5-505. Certificate of Inspection
- R20-5-506. Recordkeeping
- R20-5-507. Safety Code for Elevators, Escalators, Dumbwaiters, Moving Walks, Material Lifts and Dumbwaiters with Automatic Transfer Devices
- R20-5-508. Safety Standards for Belt Manlifts
- R20-5-509. Safety Requirements for Personnel Hoists and Employee Elevators for Construction and Demolition Operations
- R20-5-510. ~~The American National Standard Institute, Safety Requirements for Material Hoists, A.N.S.I., A10.5-1981~~
- R20-5-511. ~~The American National Standard Institute, Guide for Inspection of Elevators, Escalators and Moving Walks; A.S.M.E., A17.2-2001~~
- R20-5-513. Firefighters' Emergency Operation

ARTICLE 5. OCCUPATIONAL SAFETY AND HEALTH STANDARDS

R20-5-502. Definitions

The following definitions apply to this Article unless otherwise specified:

1. "ASME" means American Society of Mechanical Engineers.
- ~~A.2.~~ "Chief" means the chief head inspector of the Elevator Safety Section of the Division of Occupational Safety and Health.
- ~~B.3.~~ "Inspection" means the official determination by an inspector of the condition of all parts of the equipment on which the safe operation of an elevator depends.
- ~~C.4.~~ "Elevator Safety Section" means the Elevator Safety Section of the Division of Occupational Safety and Health of the Industrial Commission of Arizona.
5. "Major Alteration" means work performed to any conveyance that is not routine maintenance or repair.
6. "State Serial Number" is a unique number assigned by the Chief Elevator Inspector to each individual elevator, dumbwaiter, escalator, and moving walks.
7. "AZFS Key" means Arizona Firefighters Service Key, a universal key used by a firefighter to operate a conveyance during an emergency.

R20-5-504. Safety Standards for Platform Lifts and Stairway Chairlifts

Every owner or operator under A.R.S. § 23-491.02 shall comply with the American Society of Mechanical Engineers Safety Standard for Platform Lifts and Stairway Chairlifts ~~A.S.M.E. A18.1-1999~~ ASME A18.1-2005, with amendments as of ~~January 30, 2001~~ November 29, 2005, which are incorporated by reference, ~~and on file with the Office of the Secretary of State. This incorporation by reference does not include any later amendments to A.S.M.E. A18.1-1999 published after January 30, 2001 or editions of the incorporated matter.~~ A copy of this referenced material is ~~also~~ available for review at the Industrial Commission of Arizona, 800 West Washington Street, Phoenix, Arizona 85007, and ~~may be obtained from the American Society of Mechanical Engineers ASME at Three Park Avenue, New York, NY 10016-5990 or at <http://www.asme.org>.~~

R20-5-505. Certificate of Inspection

The owner or operator under A.R.S. § 23-491.02 shall keep the Industrial Commission's Certificate of Inspection at the same location as the elevator, dumbwaiter, escalator, moving walk, or related equipment and make the certificate available for inspection and copying upon request. The State Serial Number shall be posted or displayed in the elevator cab, and on the escalators, the State Serial Number shall be affixed to the right, at the lower end of the unit.

R20-5-506. Recordkeeping

- A. The Elevator Safety Section shall assign an ~~identification number~~ state serial number to every elevator, dumbwaiter, escalator, and moving walk for recordkeeping purposes. The ~~identification number~~ state serial number shall be on a tag that is ~~located~~ affixed on to the controller or mainline disconnect in the elevator machine room.
- B. The Elevator Safety Section shall be notified by the owner or operator, at least 90 days before any installation, relocation, or major alteration of ~~an a dumbwaiter with automatic transfer device within the state,~~ elevator, escalator, dumbwaiter, moving walk, material lift, wheelchair lift, stairway chairlift, or platform lift, ~~or dumbwaiter with automatic transfer~~

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device within the state.

- C. The building owner or ~~manager or representative~~ operator shall notify the Elevator Safety Section ~~immediately~~ within 24 hours of every accident involving personal injury or disabling damage to a dumbwaiter with automatic transfer device, an elevator, dumbwaiter, moving walk, chair lift, stairway chairlift, or platform lift, ~~or dumbwaiter with automatic transfer device.~~

R20-5-507. Safety Code for Elevators, Escalators, Dumbwaiters, Moving Walks, Material Lifts, and Dumbwaiters with Automatic Transfer Devices

Every owner or operator of an elevator, escalator, dumbwaiter, moving walk, material lift, or dumbwaiter with automatic transfer device, installed on or after the effective date of this Section shall comply with the ASME ~~A17.1-2000~~ A17.1-2007 Safety Code for Elevators and Escalators, which is incorporated by reference, ~~and on file with the Office of the Secretary of State.~~ This incorporation by reference does not include any later amendments or revisions to ASME A17.1 published after March 23, 2001. editions of the incorporated matter. A copy of this referenced material is ~~also~~ available for review at the Industrial Commission of Arizona, 800 West Washington Street, Phoenix, Arizona 85007, and may be obtained from ~~the American Society of Mechanical Engineers~~ ASME at Three Park Avenue, New York, NY 10016-5990 or at <http://www.asme.org/>. Every owner or operator of an elevator, escalator, dumbwaiter, moving walk, material lift, or dumbwaiter with an automatic transfer device, installed before the effective date of this Section shall comply with the ASME A17.1 Safety Code for Elevators and Escalators in effect at the time of installation or, as an alternative, may comply with ASME ~~A17.1-2000~~ A17.1-2007.

R20-5-508. Safety Standards for Belt Manlifts

Every owner or operator under A.R.S. § 23-491.02 shall comply with the standards of the American National Standard Institute Safety Standard for Belt Manlifts, ASME ~~A90.1-1997~~ A90.1-2003, ~~with amendments approved on February 28, 1997,~~ which is incorporated by reference, ~~and on file with the Office of the Secretary of State.~~ This incorporation by reference does not include any later amendments or revisions to ASME A90.1 published after February 28, 1997. editions of the incorporated matter. A copy of this referenced material is ~~also~~ available for review at the Industrial Commission of Arizona, 800 West Washington Street, Phoenix, Arizona 85007, and ~~may be obtained from the American Society of Mechanical Engineers~~ ASME at Three Park Avenue, New York, NY 10016-5990 or at <http://www.asme.org/>.

R20-5-509. Safety Requirements for Personnel Hoists and Employee Elevators for Construction and Demolition Operations

Every owner or operator under A.R.S. § 23-491.02 shall comply with the standards of the American National Standard Institute Safety Requirements for Personnel Hoists and Employee Elevators for Construction and Demolition Operations, ~~A.N.S.I. ANSI, A10.4-1990~~ A10.4-2007, which is incorporated by reference, ~~and on file with the Office of the Secretary of State.~~ This incorporation by reference does not include any later amendments or revisions to ANSI A10.4-1990, published after December 7, 1990. editions of the incorporated matter. A copy of this referenced material is ~~also~~ available for review at the Industrial Commission of Arizona, 800 West Washington Street, Phoenix, Arizona 85007, and ~~may be obtained from the American Society of Mechanical Engineers~~ ASME at Three Park Avenue, New York, NY 10016-5990 or at <http://www.asme.org/>.

R20-5-510. ~~The American National Standard Institute,~~ Safety Requirements for Material Hoists, ~~A.N.S.I., A10.5 1981~~

Every owner or operator under A.R.S. § 23-491.02 shall comply with the standards of the American National Standard Institute Safety Requirements for Material Hoists, ~~A.N.S.I. ANSI, A10.5-1981~~ A10.5-2006, which is incorporated by reference. This incorporation by reference does not include any later amendments or revisions to ANSI A10.5-1981, as published after June 29, 1981. editions of the incorporated matter. A copy of this referenced material is also available for review at the Industrial Commission of Arizona, 800 West Washington Street, Phoenix, Arizona 85007, and ~~may be obtained from the American Society of Mechanical Engineers~~ ASME at Three Park Avenue, New York, NY 10016-5990 or at <http://www.asme.org/>.

R20-5-511. ~~The American National Standard Institute,~~ Guide for Inspection of Elevators, Escalators and Moving Walks, ~~A.S.M.E., A17.2-2001~~

Every Elevator Inspector under A.R.S. § 23-491.05 shall use the American National Standard Institute, Guide for Inspection of Elevators, Escalators, and Moving Walks, ~~A.S.M.E. ASME, A17.2-2001~~ A17.2-2004, which is incorporated by reference, ~~and on file with the Office of the Secretary of State.~~ This incorporation by reference does not include any later amendments or revisions to ASME A17.2-1 2001 published after December 31, 2001. editions of the incorporated matter. A copy of this referenced material is also available for review at the Industrial Commission of Arizona, 800 West Washington Street, Phoenix, Arizona 85007, and ~~may be obtained from the American Society of Mechanical Engineers~~ ASME at Three Park Avenue, New York, NY 10016-5990 or at <http://www.asme.org/>.

R20-5-513. Firefighters' Emergency Operation

All conveyances provided with firefighters' emergency operation installed per ASME, A17.1-2007, incorporated by reference, shall utilize Arizona Fire Service (AZFS) Key.